26. **S.B. CIVIL MISC. APPEAL NO.1942/2006**
(Jagdish Lal & anr. Vs. M/s. Vijay Chemicals & anr.)

Date of Order :: 15th February 2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.S.K.Sankhla for the appellant.

In the claim application made under Section 163-A of the Motor Vehicles Act, the Tribunal has awarded compensation to the parents of 22 years old vehicular accident victim Sanjay in the sum of Rs.2,52,000/-. By way of this appeal, the claimants seek enhancement over the amount so awarded.

After thorough consideration of the material placed on record, the Tribunal has rejected the assertion of the claimants about the victim earning Rs.3,000/- per month in tailoring job at the shop of AW-1 Mohammed Sayeed. For want of any reliable evidence on the earnings of deceased theTribunal has taken his notional income at Rs.15,000/- per annum; and without deducting anything therefrom and with application of multiplier of 16 has assessed pecuniary loss at Rs.2,40,000/-; and with addition of Rs.10,000/- towards non-pecuniary loss and Rs.2,000/- towards funeral expenses has allowed compensation in the sum of Rs.2,52,000/-. The assessment of pecuniary loss in this case has been rather excessive than reasonable expectations of monetary benefits of the claimants. The ultimate amount awarded by the Tribunal cannot be said to be low or inadequate from any standpoint; and rules out any scope for enhancement.

The appeal fails and is, therefore, dismissed summarily.

MK **(DINESH MAHESHWARI), J.**